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**From:** Matthew Melamed <mmelamed@bfalaw.com>  
**Sent:** Friday, May 7, 2021 3:53 PM  
**To:** Gail Andler; Daniel B. Garrie; Lesley Weaver; Derek Loeser; Stein, Deborah L.; Benjamin Gould; Cari Laufenberg; Kutscher Clark, Martie; David Ko; Anne Davis; Matthew Montgomery; Falconer, Russ; Josh Samra  
**Cc:** Matthew Levington; Snyder, Orin  
**Subject:** RE: Confidential Mediation Communication In re: Facebook, Inc. Consumer Privacy User Profile Litigation, No. 3:18-md-02843-VC-JSC

Counsel,

We provide the following information in response to the fourth bullet point in Judge Andler's email, which concerns ADI.

Below is the narrowed, non-exhaustive list of information we seek, subject to our standing reservation of rights, regarding the apps in Ms. Kutcher Clark's May 5 email:

1. Type and category of app (by FB definition)
2. Description of app provided by developer or annotated by FB
3. Identity of the app publisher & date of publication
4. Total number of apps by this publisher on FB platform
5. Date the app went off the platform (if off for any reason)
6. The number of app users
7. The number of FB users who did not download the app whose info was accessed
8. The tier/phase of ADI process the app falls under (1, 2, or 3) and, if tier 2 or 3, the reasons for elevation
9. The number of API calls by year from when it was published

Thanks,  
Matt

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**From:** Gail Andler <JudgeAndler@iCloud.com>  
**Sent:** Friday, May 7, 2021 11:57 AM  
**To:** Daniel B. Garrie <Daniel@lawandforensics.com>; Lesley Weaver <lweaver@bfalaw.com>; Derek Loeser <dloeser@kellerrohrback.com>; Stein, Deborah L. <DStein@gibsondunn.com>; Matthew Melamed <mmelamed@bfalaw.com>; Benjamin Gould <bgould@KellerRohrback.com>; Cari Laufenberg <claufenberg@kellerrohrback.com>; Kutscher Clark, Martie <MKutscherClark@gibsondunn.com>; David Ko <dko@kellerrohrback.com>; Anne Davis <adavis@bfalaw.com>; Matthew Montgomery <mmontgomery@bfalaw.com>; Falconer, Russ <RFalconer@gibsondunn.com>; Josh Samra <jsamra@bfalaw.com>  
**Cc:** Matthew Levington <mlevington@jamsadr.com>; Snyder, Orin <OSnyder@gibsondunn.com>

**Subject:** Confidential Mediation Communication In re: Facebook, Inc. Consumer Privacy User Profile Litigation, No. 3:18-md-02843-VC-JSC

Dear Counsel,

Thank you for your participation in our mediation session today. I am writing this quick note before I go into my next mediation in order to share my continuing optimism with you based on the progress we made today. I am inviting, by copy of this email, additional comments and suggestions by Mr. Garrie, but here is a high-level summary of what was accomplished:

- Regarding the TAR protocol, by Monday May 10 plaintiffs will provide Facebook with its "bullets" for those elements it wants included in the protocol. In the interim, counsel for defendant should consider sharing the "skeleton" of a generic TAR protocol, not specific to this case, based on what counsel or client have seen work in the past.
- Regarding the TAR protocol, Facebook will provide its response to the bullets and any counterproposals as part of its written submission for our next mediation session on May 13. It is understood this response will be a draft as it may not be possible to have it fully reviewed by the client by that time. The goal on the mediators is that the TAR protocol will be finalized on May 17 so that you can share the good news with Judge Corley on May 18.
- Regarding the Search String dispute, plaintiffs will advise Facebook what it believes was missed, and after the parties have had a chance to review and respond, the mediators encourage both sides to take the next step and find a compromise between the positions taken as to whether additional hit reports should be furnished.
- Regarding ADI, plaintiffs have narrowed the categories of initial information it is seeking and will send that list today.

Our next mediation session is May 13, 2021 at noon. Please provide the mediators a brief written update the end of day on May 12 confirming that these tasks have been completed.

Thank you! Please copy any members of your team inadvertently left off of the email as not having been part of the prior email thread.

Best,  
Judge Gail Andler (ret.)

---

**From:** Gail Andler <[judgeandler@icloud.com](mailto:judgeandler@icloud.com)>

**Date:** Tuesday, May 4, 2021 at 6:49 PM

**To:** "Snyder, Orin" <[OSnyder@gibsondunn.com](mailto:OSnyder@gibsondunn.com)>, Daniel Garrie <[Daniel@lawandforensics.com](mailto:Daniel@lawandforensics.com)>, Lesley Weaver <[lweaver@bfalaw.com](mailto:lweaver@bfalaw.com)>, Derek Loeser <[dloeser@kellerrohrback.com](mailto:dloeser@kellerrohrback.com)>, "Stein, Deborah L." <[DStein@gibsondunn.com](mailto:DStein@gibsondunn.com)>, Matthew Melamed <[mmelamed@bfalaw.com](mailto:mmelamed@bfalaw.com)>, Benjamin Gould <[bgould@kellerrohrback.com](mailto:bgould@kellerrohrback.com)>, Cari Laufenberg <[claufenberg@kellerrohrback.com](mailto:claufenberg@kellerrohrback.com)>, "Kutscher Clark, Martie" <[MKutscherClark@gibsondunn.com](mailto:MKutscherClark@gibsondunn.com)>, David Ko <[dko@kellerrohrback.com](mailto:dko@kellerrohrback.com)>, Anne Davis <[adavis@bfalaw.com](mailto:adavis@bfalaw.com)>, Matthew Montgomery <[mmontgomery@bfalaw.com](mailto:mmontgomery@bfalaw.com)>

**Cc:** "Falconer, Russ" <[RFalconer@gibsondunn.com](mailto:RFalconer@gibsondunn.com)>, Matthew Levington <[mlevington@jamsadr.com](mailto:mlevington@jamsadr.com)>

**Subject:** Re: May 7 submissions? n re: Facebook, Inc. Consumer Privacy User Profile Litigation, No. 3:18-md-02843-VC-JSC

Hi everyone, are we getting supplemental submissions from you before our next meeting on May 7? I know you are busy but wanted to be sure we are prepared for our time together later this week. I am asking Daniel Garrie, by copy of this email, to remind you of any of your "homework" assignments as requested by him.

Thank you!

Best,  
Judge Gail Andler (ret.)

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**From:** Daniel Garrie <[Daniel@lawandforensics.com](mailto:Daniel@lawandforensics.com)>

**Date:** Friday, April 30, 2021 at 6:52 PM

**To:** "Snyder, Orin" <[OSnyder@gibsondunn.com](mailto:OSnyder@gibsondunn.com)>, Lesley Weaver <[lweaver@bfalaw.com](mailto:lweaver@bfalaw.com)>, Derek Loeser <[dloeser@kellerrohrback.com](mailto:dloeser@kellerrohrback.com)>, "Stein, Deborah L." <[DStein@gibsondunn.com](mailto:DStein@gibsondunn.com)>, Matthew Melamed <[mmelamed@bfalaw.com](mailto:mmelamed@bfalaw.com)>, Benjamin Gould <[bgould@kellerrohrback.com](mailto:bgould@kellerrohrback.com)>, Cari Laufenberg <[claufenberg@kellerrohrback.com](mailto:claufenberg@kellerrohrback.com)>, "Kutscher Clark, Martie" <[MKutscherClark@gibsondunn.com](mailto:MKutscherClark@gibsondunn.com)>, David Ko <[dko@kellerrohrback.com](mailto:dko@kellerrohrback.com)>, Anne Davis <[adavis@bfalaw.com](mailto:adavis@bfalaw.com)>, Matthew Montgomery <[mmontgomery@bfalaw.com](mailto:mmontgomery@bfalaw.com)>, Gail Andler <[judgeandler@icloud.com](mailto:judgeandler@icloud.com)>  
**Cc:** "Falconer, Russ" <[RFalconer@gibsondunn.com](mailto:RFalconer@gibsondunn.com)>, Matthew Levington <[mlevington@jamsadr.com](mailto:mlevington@jamsadr.com)>  
**Subject:** Re: NEXT DATES In re: Facebook, Inc. Consumer Privacy User Profile Litigation, No. 3:18-md-02843-VC-JSC

Dear Counsel,

Thanks for the opportunity. I am equally optimistic.

Counsel Snyder,  
Please let us know if these dates and times work. And, Ed sends his regards.

Best,  
Daniel

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**From:** Gail Andler <[JudgeAndler@iCloud.com](mailto:JudgeAndler@iCloud.com)>  
**Sent:** Friday, April 30, 2021 7:34:21 PM  
**To:** Snyder, Orin <[OSnyder@gibsondunn.com](mailto:OSnyder@gibsondunn.com)>; Lesley Weaver <[lweaver@bfalaw.com](mailto:lweaver@bfalaw.com)>; Derek Loeser <[dloeser@kellerrohrback.com](mailto:dloeser@kellerrohrback.com)>; Stein, Deborah L. <[DStein@gibsondunn.com](mailto:DStein@gibsondunn.com)>; Matthew Melamed <[mmelamed@bfalaw.com](mailto:mmelamed@bfalaw.com)>; Benjamin Gould <[bgould@kellerrohrback.com](mailto:bgould@kellerrohrback.com)>; Cari Laufenberg <[claufenberg@kellerrohrback.com](mailto:claufenberg@kellerrohrback.com)>; Kutscher Clark, Martie <[MKutscherClark@gibsondunn.com](mailto:MKutscherClark@gibsondunn.com)>; David Ko <[dko@kellerrohrback.com](mailto:dko@kellerrohrback.com)>; Anne Davis <[adavis@bfalaw.com](mailto:adavis@bfalaw.com)>; Matthew Montgomery <[mmontgomery@bfalaw.com](mailto:mmontgomery@bfalaw.com)>  
**Cc:** Daniel B. Garrie <[Daniel@lawandforensics.com](mailto:Daniel@lawandforensics.com)>; Falconer, Russ <[RFalconer@gibsondunn.com](mailto:RFalconer@gibsondunn.com)>; Matthew Levington <[mlevington@jamsadr.com](mailto:mlevington@jamsadr.com)>  
**Subject:** NEXT DATES In re: Facebook, Inc. Consumer Privacy User Profile Litigation, No. 3:18-md-02843-VC-JSC

Dear Counsel,

Thank you for your advocacy today. While I remain optimistic that you will be able to put a smile on Judge Corley's face again with a joint submission reflecting agreements made at mediation, we still have considerable work to do.

The following schedule reflects dates confirmed as available for plaintiffs' counsel, Ms. Stein, and Ms. KutscherClark, as well as Mr. Garrie and me:

May 7 8:30-9:30 PDT

May 13 1:00-2:00 PDT

May 17 noon-1:00 (and longer as counsel are available to continue to meet with Mr. Garrie)

By copy of this email I am asking my case manager, **Matt Levington**, to calendar and send the link.

I will ask Mr. Garrie to add any comments to this thread regarding the next steps and agenda.

Have a great weekend!

Sincerely and optimistically yours,  
Gail Andler



**Hon. Gail Andler (Ret.)**  
Arbitrator/Mediator/Special Master  
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Irvine, California 92614  
[gandler@jamsadr.com](mailto:gandler@jamsadr.com)  
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**From:** "Snyder, Orin" <[OSnyder@gibsondunn.com](mailto:OSnyder@gibsondunn.com)>

**Date:** Friday, April 30, 2021 at 10:01 AM

**To:** Gail Andler <[judgeandler@icloud.com](mailto:judgeandler@icloud.com)>

**Cc:** Matthew Melamed <[mmelamed@bfalaw.com](mailto:mmelamed@bfalaw.com)>, Daniel Garrie <[daniel@lawandforensics.com](mailto:daniel@lawandforensics.com)>, "Stein, Deborah L." <[DStein@gibsondunn.com](mailto:DStein@gibsondunn.com)>, "Falconer, Russ" <[RFalconer@gibsondunn.com](mailto:RFalconer@gibsondunn.com)>, "Kutscher Clark, Martie" <[MKutscherClark@gibsondunn.com](mailto:MKutscherClark@gibsondunn.com)>, Derek Loeser <[dloeser@kellerrohrback.com](mailto:dloeser@kellerrohrback.com)>, Cari Laufenberg <[claufenberg@kellerrohrback.com](mailto:claufenberg@kellerrohrback.com)>, David Ko <[dko@kellerrohrback.com](mailto:dko@kellerrohrback.com)>, Benjamin Gould <[bgould@kellerrohrback.com](mailto:bgould@kellerrohrback.com)>, Lesley Weaver <[lweaver@bfalaw.com](mailto:lweaver@bfalaw.com)>, Anne Davis <[adavis@bfalaw.com](mailto:adavis@bfalaw.com)>, Matthew Montgomery <[mmontgomery@bfalaw.com](mailto:mmontgomery@bfalaw.com)>

**Subject:** Re: In re: Facebook, Inc. Consumer Privacy User Profile Litigation, No. 3:18-md-02843-VC-JSC

Dear Judge Andler and Mr. Garrie,

This is a reminder that I will not be attending today's session. My team is obviously ready and ably prepared to proceed without me, and I will be in touch with them over text in the unlikely event that they do.

Looking forward to seeing you at our next session.

Respectfully,

Orin Snyder

Sent from my iPhone

On Apr 26, 2021, at 1:59 PM, Gail Andler <[JudgeAndler@icloud.com](mailto:JudgeAndler@icloud.com)> wrote:

[External Email]

Thank you very much. I look forward to seeing everyone tomorrow.

Best,

Judge Gail Andler (Ret.)

<image001.jpg>

**Hon. Gail Andler (Ret.)**  
Arbitrator/Mediator/Special Master  
5 Park Plaza Suite 400

Irvine, California 92614  
[gandler@jamsadr.com](mailto:gandler@jamsadr.com)  
Tel 714-937-8251

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**From:** Matthew Melamed <[mmelamed@bfalaw.com](mailto:mmelamed@bfalaw.com)>

**Date:** Monday, April 26, 2021 at 10:26 AM

**To:** Gail Andler <[judgeandler@icloud.com](mailto:judgeandler@icloud.com)>, Daniel Garrie <[daniel@lawandforensics.com](mailto:daniel@lawandforensics.com)>

**Cc:** "Snyder, Orin" <[OSnyder@gibsondunn.com](mailto:OSnyder@gibsondunn.com)>, "Stein, Deborah L." <[DStein@gibsondunn.com](mailto:DStein@gibsondunn.com)>, "Falconer, Russ" <[RFalconer@gibsondunn.com](mailto:RFalconer@gibsondunn.com)>, "Kutscher Clark, Martie" <[MKutscherClark@gibsondunn.com](mailto:MKutscherClark@gibsondunn.com)>, Derek Loeser <[dloeser@kellerrohrback.com](mailto:dloeser@kellerrohrback.com)>, Cari Laufenberg <[claufenberg@kellerrohrback.com](mailto:claufenberg@kellerrohrback.com)>, David Ko <[dko@kellerrohrback.com](mailto:dko@kellerrohrback.com)>, Benjamin Gould <[bgould@KellerRohrback.com](mailto:bgould@KellerRohrback.com)>, Lesley Weaver <[lweaver@bfalaw.com](mailto:lweaver@bfalaw.com)>, Anne Davis <[adavis@bfalaw.com](mailto:adavis@bfalaw.com)>, Matthew Montgomery <[mmontgomery@bfalaw.com](mailto:mmontgomery@bfalaw.com)>

**Subject:** In re: Facebook, Inc. Consumer Privacy User Profile Litigation, No. 3:18-md-02843-VC-JSC

Dear Judge Andler and Mr. Garrie,

The parties conferred and agreed that Mr. Garrie's presence at the parties' discovery conferences would benefit the mediation. As such, we reached out to Judge Corley, who also welcomes his attendance. The information for tomorrow's discovery conference is as follows:

April 27, 8:30 a.m.

Zoom link:

<https://cand-uscourts.zoomgov.com/j/1613661817?pwd=Z0tnSzBvKzJMN25SRFB3M1B6dFBadz09>

Webinar ID: 161 366 1817

Password: 924619

We will provide both of your names to the Court so that you are able to join the proceeding as participants.

Thanks,

Matt

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